

AUG 28 2019

At 8:51 P.M.
Velva L. Price, District Clerk

Cause No. D-1-GN-15-004487

CITY OF DALLAS,
Plaintiff,

v.

KEN PAXTON, ATTORNEY
GENERAL OF TEXAS,
Defendant.

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IN THE DISTRICT COURT OF

419th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

AGREED FINAL JUDGMENT

This is a lawsuit under the Public Information Act (PIA), Texas Government Code chapter 552, by which Plaintiff City of Dallas sought declaratory relief from open records rulings OR2015-19528, OR2015-23745, and OR2015-26494 of Defendant Ken Paxton, Attorney General of Texas. The rulings required the City to release information it claimed was subject to the attorney-client privilege because the City did not timely request an attorney general decision and failed to demonstrate a compelling reason to withhold the requested information. *See* Tex. Gov't Code § 552.302.

During the pendency of the lawsuit, the Texas Supreme Court issued *Paxton v. City of Dallas*, 509 S.W.3d 247 (Tex. 2017), which held “a ‘compelling reason’ to withhold confidential attorney-client communications exists and, absent waiver, rebuts the presumption that the information protected by the privilege is ‘subject to required public disclosure.’” *Paxton v. City of Dall.*, 509 S.W.3d 247, 267–68 (Tex. 2017). Consistent with the *Paxton* decision, the parties agree that portions of the requested information are attorney-client



privileged communications and may be withheld from the requestor pursuant to Texas Government Code section 552.107 and *Paxton v. City of Dallas*. Pursuant to section 552.325(c) of the Texas Government Code, the Attorney General may enter into a settlement that allows all or part of the information at issue in this lawsuit to be withheld. The parties agree that settlement is appropriate.

Texas Government Code section 552.325(d) requires the Court to allow a requestor a reasonable period of time to intervene after notice is attempted by the Attorney General. *See* Tex. Gov't Code § 552.325. The Attorney General represents to the Court that in compliance with Texas Government Code section 552.325(c), the Attorney General sent a letter by certified mail and electronic mail to the requestors, Beryl Lipton, Clayton J. Callen, and Ashley Yarberry, on July 29, 2019, providing reasonable notice that the Agreed Final Judgment would be presented to the court on or after this day. The requestors were informed of the parties' agreement that the City must withhold the information at issue. The requestors were also informed of their right to intervene in the suit to contest this Agreed Final Judgment. The requestors have not filed a motion to intervene. After considering the agreement of the parties and the law, the Court is of the opinion that entry of this Agreed Final Judgment is appropriate.

IT IS THEREFORE ORDERED AND DECLARED that:

1. Pursuant to Texas Government Code section 552.107 and *Paxton v. City of Dallas*, 509 S.W.3d 247 (Tex. 2017), the Plaintiff must withhold from the requestor the attorney-client privileged communications identified as Exhibits B and D in the information produced to the Attorney General under the March 1, 2017 Agreed Protective Order.

2. The City must release or withhold all other information responsive to requests for information in compliance with letter rulings OR2015-19528, OR2015-23745, and OR2015-26494. Further, the Office of the Attorney General will not consider these three rulings as “previous determinations” under Texas Government Code section 552.301(a), (f); and, if the precise information is requested again, the City may ask for a decision from the Attorney General under Tex. Gov’t Code § 552.301(g).

3. All court costs and attorney fees are taxed against the parties incurring the same;

4. All relief not expressly granted is denied; and

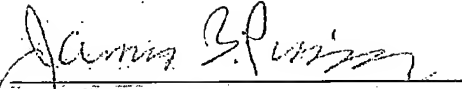
5. This Order disposes of all claims between the parties and is a final judgment.

Signed this the 28 day of August, 2019.



PRESIDING JUDGE
AMY CLARK MEACHUM

AGREED:



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